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Chief, COAPS

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The Assistant General Counsel

Crisis situations.

1. Reference is made to COAPS's draft of proposed DCI, subject "Production of Intelligence Estimates in Crisis Situations," dated 10 November 1949, and proposed draft comments of the Assistant Director, ORE on the same subject, dated 8 November 1949.

2. We feel that the draft prepared by the Assistant Director, ORE is preferable to the one forwarded to the Standing Committee Members of the IAC. We believe it is a more realistic approach to the problem prepared by those who will have to cope with it in all its stages.

3. In connection with Paragraph 3 of the ORE draft, it is suggested that the phrase "the Intelligence Chiefs of the Departments of State, Army, Navy and Air," should read "the Intelligence Chiefs of the IAC agencies." In a crisis situation it is believed that all IAC members will wish to maintain 24 hour duty stations for the stated purpose.

4. Paragraph 4 of the ORE draft provides that the Director of Central Intelligence "will inform all affected elements of the Government." This would appear to extend the authority of the DCI into fields which fall naturally into the hands of the President, for it is the latter who should inform the affected elements of the Government in accordance with Executive responsibility. Once the DCI has informed the President, the members of the National Security Council, and appropriate intelligence officials, his jurisdiction in these matters is completed, and the action turns into fields of policy.

5. Paragraph 7 of the ORE draft provides that the final estimate should be disseminated "to such other recipients as he (the Director of Central Intelligence) deems appropriate." This estimate is a national intelligence estimate and therefore should be distributed to those recipients indicated by the National Security Council and as provided in the present NSCID No. 1. Therefore, the last clause of Paragraph 7 should read, "and to other appropriate recipients."

Walter L. Pforzheimer

cc-AD/ORE

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